Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 8471
Harrisburg, PA 17105-8471
June 4, 1997

Bureau of Land Recycling
and Waste Management

Ms. Elizabeth Cotsworth, Director
US EPA
Office Of Solid Waste (5303W)
401 M. Street SW
Washington, DC 20460

Dear Ms. Cotsworth:

It has come to our attention that Pennsylvania's comments on the proposed rule "Requirements for Management of Hazardous Contaminated Media (HWIR Media)" that were submitted on August 28, 1996, are being construed as unqualified support of the bright line option set forth in the proposed rule. States, as partners in implementing national environmental initiatives, should be encouraged to offer comments on federal rulemaking proposals. It is very disconcerting to learn that EPA, in turn, is using these comments out of context to leverage other stakeholders who do not share EPA's views on an issue.

Pennsylvania clearly supports an approach that overcomes remediation impediments, and empowers States with the authority to approve a site specific remediation based on sound science and <u>not</u> an automatic bright line determination that encumbers discretion. Our comments on the proposed regulations indicated that we favored an "expanded" hybrid approach providing discretion on a site specific case-by-case basis, to <u>exclude</u> contaminated media from RCRA regulation even if regulated substances are above the "bright line" levels.

Since we commented on these proposed regulations last August, we have had the opportunity to address this issue in our final draft voluntary clean up regulations. Our regulatory approach is consistent with the philosophy of the proposed unitary approach, in that, regulated substances and wastes are managed as contaminated media on a site specific basis.

The practical experience that we have gained through the implementation of a very aggressive State Voluntary clean up program over the past year and a half reinforces the advantages of adopting an approach that equates to the proposed unitary approach.

I hope that this clarifies the intent of our comments. If you have any questions, please contact Rick Shipman at 717-787-6239 or email: "Shipman.Rick@a1.dep.state.pa.us."

Sincerely,

James P. Snyder
Director

cc: Elizabeth McManus
Kris Hoellen (ASTSWMO)